



## Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

**FEBRUARY 25, 2019**

### **POSTPONED FROM JANUARY 14, 2019**

**9:30**

**Calendar No. 18-239:**

**3547 E. 49 St.**

**Ward 12**

**Anthony Brancatelli**

**6 Notices**

Number Three Grace LLC., owner, proposes to establish use as a used truck sales lot on two parcels (to be consolidated) in a B3 Residence Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 342.02 which states that the use of the property in Residence Industry zoning district for second hand truck sales lot is not permitted but is first permitted in Semi- Industry zoning district per 345.03(c)(1)
2. Section 345.02(e) which states that adequate off street parking of trucks in is required to be screened from the streets or not nearer than fifty (50) feet to streets.
3. Section 345.02(f) which states that in a Residence Industry District, entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, than from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area. No such designation has been made by the City Planning Commission, BZA review and approval as noted is required.
4. Section 347.11(b) which states that all open areas of permanent use open sales lots that are intended either for display or for use as vehicular areas, shall be surfaced with asphalt, Portland cement, brick, paving block, or other dustless hard-surfaces, impervious all weather material approval by the Commissioner of Building and Housing. Gravel lot is proposed.
5. Section 347.11(c) which states that all permanent use open sales lots shall be graded for proper drainage. Storm water runoff shall be discharged into the City storm sewers or in another manner approved by the Director of Public Service. Water shall not be permitted to drain across public sidewalks or onto abutting lots. No grading or drainage plan submitted, no drains proposed on site plan.
6. Section 349.07(a) which states that accessory off street parking areas are required to be paved and drained and a gravel parking area proposed. No parking space striping shown on plan,
7. Section 349.08 which states that where five (5) or more accessory off-street parking spaces are provided, and are located on a lot that adjoins a building containing dwelling units, such parking spaces shall be screened from a building containing dwelling units, by an opaque wall, a uniformly painted fence of fire-resistant material or a strip of land at least four (4) feet wide

and densely planted with shrubs that form a dense screen year round. No screening from adjoining lot containing dwelling unit(s) is proposed.

8. Section 349.05(a) which states that no parking space shall be located within ten (10) feet of any wall of a residential building or structure if such wall contains a ground floor opening designed to provide light or ventilation for such building or structure. (Filed October 19, 2018-Testimony Taken) *THIRD POSTPONEMENT MADE AT THE REQUEST OF THE CITY TO ALLOW FOR TIME TO REVIEW THE UPDATED PLANS. SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR MORE TIME TO UPDATE PLANS. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO UPDATE THE SITE PLAN TO SHOW SCREENING, STRIPING, PAVING AND LOT CONSOLIDATION; AND TO ALLOW FOR TIME FOR THE APPELLANT TO MEET WITH CITY PLANNING.*

**POSTPONED FROM JANUARY 7, 2019**

**9:30**

**Calendar No. 18-276:**

**6904 Denison Avenue**

**Ward 14**

**Jasmine Santana**

**13 Notices**

Suhail Iwais, owner, proposes to expand parking lot in a B3 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.07(a) which states that Off-Street parking shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces are surfaced with concrete, asphaltic concrete, asphalt. The owner is proposing a gravel parking area.
2. Section 352.10 which states that a 6' wide landscape strip is required along Denison Avenue at all areas where the parking lot abuts a street; partial landscaping is proposed.
3. Section 337.17 which states that a parking lot arrangement of 90 degree parking spaces shall have an aisle width of 20 minimum of 20' and 14 feet isle width is proposed.
4. Section 349.15 which states that 3 bicycle parking spaces are required, none proposed.
5. Section 358.05 which states that a fence in a Semi-Industry District shall not exceed 4' high in the actual front yard and in actual side street yard and shall be 50% open; 6' high fence is proposed within front yard setback. (Filed December 3, 2018-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO MEET WITH METROWEST CDC.*

**POSTPONED FROM JANUARY 14, 2019**

**9:30**

**Calendar No. 18-282:**

**15508 Holmes Ave.**

**Ward 8**

**Michael D. Polensek**

**11 Notices**

DeCarlo Henderson, owner, proposes to establish use as a daycare in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 337.02(f)(3)(C) which states that a daycare facility is permitted if located not less than thirty (30) feet from any adjoining premises in a Residence District not used for a similar

purpose, and is subject to the review and approval of the Board of Zoning Appeals. (Filed December 10, 2018-Testimony Taken) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW FOR TIME FOR THE APPELLANT TO MEET WITH THE COMMUNITY.*

**POSTPONED FROM JANUARY 28, 2019**

**9:30**

**Calendar No. 18-283:**

**1575 Merwin Avenue**

**Ward 3**

**Kerry McCormack**

**10 Notices**

Target Industries Inc., owner, proposes to re-establish use as a lounge with entertainment in a B3 General Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. 349.04(e) which states that one for each 6 seats or total parking area equal to 3 times the gross floor area, whichever is greater; is required. No accessory off-street parking is provided.
2. Section 347.12(a)(2) which states that no such use shall be established within five hundred (500) feet of another such use. In this case the proposed use is within 500 feet of the Hustler Club at 1101 Center Street.
3. Section 359.02 which states that a non-conforming use of a building or premises which has been discontinued shall not hereafter be returned to such non-conforming use. (Filed December 11, 2018-No Testimony) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE CITY FOR FURTHER REVIEW. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW FOR A MEETING BETWEEN HIM AND THE APPELLANT.*

**POSTPONED FROM FEBRUARY 4, 2019**

**9:30**

**Calendar No. 19-005:**

**5100 St. Clair Avenue**

**Ward 10**

**Anthony T. Hairston**

**14 Notices**

Ohio Technical College, owner, proposes to change use from school to student housing in a C3 Residence Industry District. . The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 357.05(b)(2) which states that on the rear of a corner lot in an use district where the rear lot line of the corner lot is also the side line of the butt lot in the rear of the boundary line off an alley between them, and a setback building line is established for such butt lot, no building shall be erected nearer to the side street at the rear line of the corner lot than the setback building line of the butt lot; 18 feet are required; 0' proposed.
2. Section 357.09 which states that an interior side yard equal to one-fourth of the building height or in this case 13 feet and no interior side yard is proposed.
3. Section 355.04 which states that in a "C" Area District the maximum gross floor area of a building cannot exceed ½ lot area in this case 16,272 square feet are permitted and 40,790 square feet are proposed.

4. Sections 352.08-10 which state that a 10 foot wide transition strip is required at the rear and east sides of the property where the lot abuts a Two-Family District and a 5 foot wide transition strip is proposed.
5. Section 349.15 which states that 3 bicycle parking spaces are required and none are proposed. (Filed January 4, 2019 -Testimony Taken) **FIRST POSTPONEMENT MADE AT THE REQUEST OF CITY PLANNING TO ALLOW FOR TIME TO WORK WITH THE APPELLANT ON LANDSCAPING AND SETBACK ISSUES.**

**POSTPONED FROM FEBRUARY 4, 2019**

**9:30**

**Calendar No. 19-006:**

**4835 Broadview Rd.**

**Ward 13**

**Kevin J. Kelley**

**22 Notices**

The L. Old Brooklyn, LLC. Proposes to establish use as a 12 unit apartment building in a C1 Multi-Family District. The owner appeals for relief from the strict application of Section 349.04 which states that one accessory off-street parking space is required for each dwelling unit; 12 spaces are required and 9 spaces are provided. (January 8, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW FOR TIME TO HOLD A COMMUNITY MEETING.*

**POSTPONED FROM FEBRUARY 11, 2019**

**9:30**

**Calendar No. 19-012:**

**2200 West 32 Street**

**Ward 3**

**Kerry McCormack**

**10 Notices**

Jeanette Elaine, owner, proposes to erect a 6 foot tall 30 lineal feet of wooden fence in the interior side yard of a property located in a B1Tw0 Family Residential District. The owner appeals for relief from the strict application of Section 358.04(a) which states that no fence shall be higher than the distance to the house on adjacent lot; 6 feet are required and 4 feet 6 inches are proposed. (Filed January 10, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*